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UNITED STATES U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NYK BULK & PROJECT CARRIERS LTD.,  
Plaintiff,

-against-

O.W. BUNKER USA INC., NUSTAR  
ENERGY SERVICES, INC., HARLEY  
MARINE GULF, INC., ING BANK N.V.

Defendants.

14-CV-10090 (VEC)

**ORDER**

NYK TRADING CORPORATION,  
Plaintiff,

-against-

O.W. BUNKER USA INC., O.W. BUNKER  
USA INC. LIQUIDATING TRUST,  
NUSTAR ENERGY SERVICES, INC.,

Defendants.

16-CV-6232 (VEC)

**ORDER**

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 2, 2020, the parties informed the Court that they had reached a settlement in principle, 14-CV-10090, Dkt. 126; 16-CV-6232, Dkt. 43;

IT IS HEREBY ORDERED that all previously scheduled conferences and other deadlines are cancelled.

IT IS FURTHER ORDERED that this action will be dismissed with prejudice on **February 5, 2021**, unless before that date one or more of the parties files a letter with the Court requesting that the action not be dismissed and explaining why the action should not be dismissed in light of the parties' settlement. To be clear, any request that the action not be



dismissed **must** be filed **before February 5, 2021**; any request filed on or after that date may be denied solely on that basis.

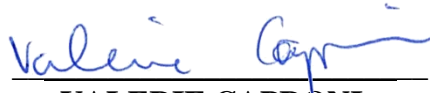
If the parties wish for the Court to retain jurisdiction to enforce their settlement agreement, not later than **January 29, 2021**, they must submit (1) their settlement agreement to the Court in accordance with Rule 7.A of the Court's Individual Practices and (2) a request that the Court issue an order expressly retaining jurisdiction to enforce the settlement agreement.

*See Hendrickson v. United States*, 791 F.3d 354 (2d Cir. 2015).

IT IS FURTHER ORDERED that upon dismissal, the Court will order the Clerk of Court to disburse the amount deposited (plus interest). By no later than **Friday, February 5, 2021**, the parties must jointly inform the Court what amount is to be paid to each of the parties. In the same joint letter, the parties must inform the Court to whom the checks should be made payable and to what address they should be sent.

**SO ORDERED.**

**Date: December 2, 2020**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**